

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
MASSACHUSETTS

MICHAEL BROWDER,  
Plaintiff

v

CITY OF BOSTON, BISOLA OJIKUTU,  
TAMMY PUST, BOSTON FIREFIGHTERS  
LOCAL 718 INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS AFL-CIO, JOHN SOARES,

Defendants

No. 1:24-cv-11588-AK

**MOTION FOR ENTRY OF DEFENDANT JOHN SOARES'S DEFAULT**

Now comes Plaintiff, Michael Browder, by undersigned counsel, and respectfully moves this Honorable Court pursuant to Fed. R. Civ. P. Rule 55(a) to enter the default of Defendant John Soares ("Soares") for failing to plead or otherwise defend after being served with the instant complaint and a summons pursuant to Fed. R. Civ. P. Rule 4(e)(2)(B) on October 4, 2024 and again on December 4, 2024. As grounds for this Motion, Plaintiff states as follows:

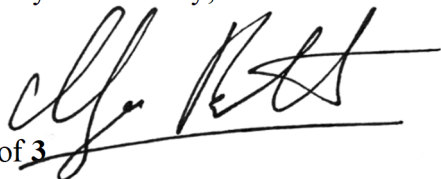
1. Plaintiff filed the instant complaint on June 19, 2024.
2. Plaintiff had trouble locating a residential address for Soares.
3. Plaintiff ultimately located a residential address for Soares at 158 Quincy Shore Drive, Unit 90, in Quincy, Massachusetts ("158 Quincy Shore").
4. Solely for the purposes of proving that 158 Quincy Shore was indeed Soares's dwelling or usual place of abode, Plaintiff states that he located Soares's residential address from the arrest records of South Carolina's Berkeley County and the court records of South Carolina's 9th Judicial Circuit. These records show that Soares was

arrested within that jurisdiction on May 30, 2024 on several charges that were dismissed on November 19, 2024.

5. On August 16, 2024, Plaintiff mailed a waiver of service request to Soares at 158 Quincy Shore pursuant to Fed. R. Civ. P. Rule 4(d).
6. On October 4, 2024, Plaintiff caused the Massachusetts Norfolk County Sheriff's Department to serve process on Soares at 158 Quincy Shore pursuant to Fed. R. Civ. P. Rule 4(e)(2)(B).
7. On October 24, 2024, Plaintiff returned the executed summons for Soares. *See* ECF# 30.
8. In light of Soares's legal issues in South Carolina, Plaintiff refrained from moving for entry of default.
9. On December 4, 2024, after noticing that Soares's legal issues had been resolved, Plaintiff again caused the Massachusetts Norfolk County Sheriff's Department to serve process on Soares at 158 Quincy Shore pursuant to Fed. R. Civ. P. Rule 4(e)(2)(B).
10. On January 1, 2025, Plaintiff returned the executed summons for Soares. *See* ECF# 46.
11. Soares has failed to plead or otherwise defend the claims in the instant complaint.

WHEREFORE, Plaintiff, Michael Browder, respectfully moves that this Honorable Court enter the default of Defendant Soares.

Respectfully submitted,  
Plaintiff,  
By his attorney,

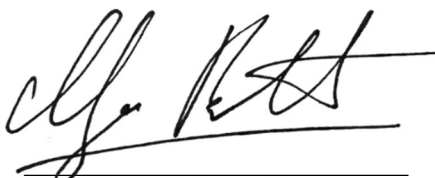
A handwritten signature in black ink, appearing to be 'C. J. Browder', written over a horizontal line.

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Ilya I. Feoktistov, Esq.  
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DATED: March 24, 2025.

**SERVICE CERTIFICATE**

I, Ilya Feoktistov, counsel for Plaintiff Michael Browder in the above-captioned matter, hereby certify that on March 24, 2025, I served a true and accurate copy of the foregoing document on counsel for the parties of record by filing electronically.

  
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Ilya I. Feoktistov, Esq.